

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF DELAWARE

SARA S. ECHEVARRIA,	:	
	:	
Plaintiff,	:	Case No.: 05-284 (GMS)
	:	
v.	:	Removed from Superior Court,
	:	New Castle County, Delaware
U-HAUL INTERNATIONAL, INC.,	:	C.A. No.: 05C-03-188 WCC
ROGER MAYFIELD, and	:	
NATIONWIDE GENERAL INSURANCE	:	
COMPANY,	:	
	:	
Defendants.	:	

MOTION FOR DEFAULT JUDGMENT AGAINST ROGER L. MAYFIELD

Plaintiff, by and through undersigned counsel, moves this Court for an Order entering judgment against Defendant Roger L. Mayfield ("Defendant Mayfield") under Federal Rule of Civil Procedure 55 (b)(2). In support of her Motion, Plaintiff states as follows:

1. The Complaint was filed on March 16, 2005 in the Superior Court of the State of Delaware in and for New Castle County.
2. On May 10, 2005, Defendant U-Haul International, Inc. ("Defendant U-Haul") filed a Notice of Filing Petition for Removal in the Superior Court of the State of Delaware in and for New Castle County and a Notice of Removal in this Court.¹
3. Defendant Mayfield, a Florida resident, had not yet been served with the Complaint and Summons at the time Defendant U-Haul filed the Notice of Removal. Therefore,

¹ Plaintiff filed a Motion for Remand on May 24, 2005. Defendant U-Haul filed its Response to Plaintiff's Motion for Remand on June 7, 2005. Plaintiff filed her Reply to Defendant U-Haul Response on June 9, 2005. The issue of remand is currently pending before this Court.

Plaintiff attempted to serve Defendant Mayfield in accordance with the Federal Rules of Civil Procedure.

4. On May 20, 2005, Plaintiff served the Secretary of State with the Complaint and Summons for purposes of serving Defendant Mayfield, a Florida resident and on May 26, 2005 Notice was mailed to Defendant Mayfield enclosing the Complaint and Summons.

5. The Notice, Complaint and Summons that had been mailed to Defendant Mayfield was returned to Plaintiff's counsel without having been accepted by Defendant Mayfield.


6. On July 21, 2005, a special process server personally served Defendant Mayfield with the Complaint and Summons (attached as Ex. A).

7. Defendant Mayfield has not filed an answer, motion or responsive pleading within the time limit fixed by the Court or by Federal Rule of Civil Procedure 55(a).

8. Defendant Mayfield is not an infant, incompetent person or in the active military service.

9. Attached is the Affidavit of Jennifer M. Kinkus in support of this request.

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Dated: 8/15/05